

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GREATER NEW YORK MUTUAL
INSURANCE COMPANY,

Docket No.: 1:22-cv-02052

JUDGMENT

Plaintiff,

-against-

THE BURLINGTON INSURANCE
COMPANY, SCOTTSDALE INSURANCE
COMPANY, and ABC INSURANCE
COMPANIES 1-10,

Defendants.

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DENISE COTE, District Judge:

WHEREAS: this action was originally instituted by Plaintiff Greater New York Mutual Insurance Company (“Plaintiff”) against Defendants The Burlington Insurance Company (“Burlington”) and Scottsdale Insurance Company (“Scottsdale”) (collectively, “Defendants”) seeking a declaration that the Defendants owed a duty to defend and indemnify Park City 3 and 4 Apartments (“Park City”) in the action captioned *Yaguachi v. Park City, et al.*, Index No. 13524/2012 that is now pending in the New York Supreme Court, Kings County (the “Underlying Action”);

WHEREAS: after competing motions for summary judgment, the Court determined that Burlington and Scottsdale had a joint obligation to defend Park City in the Underlying Action and to reimburse past defense costs incurred by or on behalf of Park City in its defense of the Underlying Action (the “Summary Judgment Decision”) (ECF No. 72);

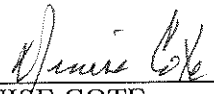
WHEREAS: on June 15, 2023, the Court dismissed without prejudice the Counts of Plaintiff's Complaint seeking a declaration that Burlington and Scottsdale are now obligated to indemnify Park City in the Underlying Action (ECF No. 87).

WHEREAS: the Parties having amicably resolved the issue relating to past defense costs and expenses incurred by or on behalf of Plaintiff in its defense of Park City in the Underlying Action pursuant to the Summary Judgment Decision;

IT IS HEREBY ORDERED and ADJUGED that:

Scottsdale and Burlington owe Park City a joint duty to defend in connection with the Underlying Action pursuant to the Summary Judgment Decision (ECF No. 72).

Dated: New York, New York
July 31, 2023



DENISE COTE
United States District Judge